

# HOUSE . . . . . No. 635

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## The Commonwealth of Massachusetts

PRESENTED BY:

**Jennifer Benson**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to changes to the charter of the town of Lunenburg.

PETITION OF:

NAME:

Jennifer Benson

DISTRICT/ADDRESS:

37th Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO CHANGES TO THE CHARTER OF THE TOWN OF LUNENBURG.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The charter of the town of Lunenburg, adopted by the voters of the town in 1999 and filed in the office of the archivist of the commonwealth as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out the text in its entirety and inserting in place thereof the following text:

CHARTER OF THE TOWN OF LUNENBURG

ARTICLE 1  
INCORPORATION; SHORT TITLE; POWERS

SECTION 1-1 INCORPORATION  
The inhabitants of the town of Lunenburg within the corporate limits as established by law shall continue to be a body corporate and politic with perpetual succession under the name "Town of Lunenburg".

SECTION 1-2 SHORT TITLE  
This instrument shall be known and may be cited as the Lunenburg Home Rule Charter.

SECTION 1-3 POWERS OF THE TOWN  
Subject only to express limitations on the exercise of any power or function by a municipality in the constitution or laws of the commonwealth, it is the intent and the purpose of the voters of Lunenburg to secure through the adoption of this charter all of the powers it is possible to secure for a municipal government under the constitution and laws of the commonwealth.

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27 SECTION 1-4 DIVISION OF POWERS

28 The administration of all of the fiscal, prudential and municipal affairs of the town shall be  
29 vested in an executive branch headed by a board of selectmen. The legislative powers of the  
30 town shall continue to be vested in a town meeting open to all voters of the town.  
31

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32 SECTION 1-5 CONSTRUCTION

33 The powers of the town of Lunenburg under this charter are to be construed liberally in its favor  
34 and the specific mention of any particular power is not intended to limit in any way the general  
35 powers of the town of Lunenburg as stated in section 1-3.  
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37 SECTION 1-6 INTERGOVERNMENTAL RELATIONS

38 Subject to the applicable requirements of any provision of the constitution or statutes of the  
39 commonwealth, the town of Lunenburg may exercise any of its powers or perform any of its  
40 functions and may participate in the financing thereof, jointly or in cooperation by contract or  
41 otherwise, with any one or more states or civil divisions or agencies thereof or the United States  
42 government or agency thereof.  
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44 SECTION 1-7 DEFINITIONS

45 Unless another meaning is clearly apparent from the manner in which the word or phrase is used,  
46 the following words and phrases as used in this charter shall have the following meanings:  
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48 (a) Appointing Authority - The words "appointing authority" used alone shall mean the  
49 officer or multiple member body which appoints the officer, member of a multiple member body  
50 or town employee.  
51

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52 (b) Town Manager Screening Committee - The words "town manager screening committee"  
53 shall mean the body established in section 4-1. The town moderator shall serve as the chair of the  
54 town manager screening committee.  
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56 (c) Charter - The word "charter" shall mean this charter and any amendment to it hereafter  
57 adopted.  
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59 (d) Emergency - The word "emergency" shall mean a sudden, unexpected, unforeseen  
60 happening, event,, occurrence or condition which necessitates immediate action or response.  
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66 (e) **Full Multiple Member Body** - The words “full multiple member body” shall mean the  
67 entire authorized complement of the board of selectmen, the, school committee or other multiple  
68 member body notwithstanding any vacancy which might exist.

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70 (f) **general laws** - The words “general laws” (all lower case letters) shall mean laws enacted  
71 by the state legislature which apply alike to all cities and towns, to all cities, or to a class of two  
72 or more towns and or cities and towns of which Lunenburg is a member.

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74 (g) **General Laws** - The words “General Laws” (initial letter of each word in upper case  
75 letters) shall mean the General Laws of the Commonwealth of Massachusetts, a codification and  
76 revision of statutes enacted on December 22, 1920, and including all amendments and additions  
77 thereto subsequently adopted.

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79 (h) **Local Newspaper** - The words “local newspaper” shall mean a newspaper of general  
80 circulation within Lunenburg, with either a weekly or daily circulation.

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82 (i) **Majority Vote** - The words “majority vote” when used in connection with a meeting of a  
83 multiple member body shall mean a majority of those present and voting, unless another  
84 provision is made by by-law, by law, or by its own rules.

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86 (j) **Multiple Member Body** - The words “multiple member body” shall mean any board,  
87 commission, committee, sub-committee or other body consisting of 2 or more persons whether  
88 elected, appointed or otherwise constituted, but not including the board of selectmen or the  
89 school committee.

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91 (k) **Quorum** - The word “quorum” shall mean a majority of all members of a multiple  
92 member body unless some other number is required by law or by by-law.

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94 (l) **Town.** - The word “town” shall mean the town of Lunenburg.

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97 (m) ▲Town Agency - The words “town agency” shall mean any multiple member body, any  
98 department, division, or office of the town of Lunenburg.

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100 (n) ▲Town Bulletin Boards- The words “town bulletin boards” shall mean the bulletin board in  
101 the town hall on which the town clerk posts official notices of meetings and upon which other  
102 official town notices are posted, and the bulletin boards at any other locations as may be  
103 designated town bulletin boards by the board of selectmen.

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105 (o) ▲Town Officer - The words “town officer” when used without further qualification or  
106 description, shall mean a person having charge of an office or department of the town who in the  
107 exercise of the powers or duties of such position exercises some portion of the sovereign power  
108 of the town.

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110 (p) ▲Voters - The word “voters” shall mean registered voters of the town of Lunenburg.

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112 ARTICLE 2  
113 LEGISLATIVE BRANCH  
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115 SECTION 2-1 TOWN MEETING

116 The legislative powers of the town shall be exercised by a town meeting open to all voters.

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118 SECTION 2-2 PRESIDING OFFICER

119 The moderator, elected as provided in section 3-8, shall preside at all sessions of the town  
120 meeting. Annually, at the first session of the spring town meeting, the moderator shall appoint a  
121 deputy moderator to serve as acting moderator in the event of the temporary absence or disability  
122 of the moderator. The appointment of a deputy moderator shall be subject to ratification by the  
123 town meeting. The deputy moderator shall, when presiding at town meeting sessions, have all of  
124 the powers of the moderator, but shall have no other powers or duties of the moderator.

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125 The moderator, at town meetings, shall regulate the proceedings, decide all questions of order,  
126 make public declaration of all votes and may exercise such additional powers and duties as may  
127 be authorized by general law, this charter, by-law or other vote of the town meeting.

128

131 **SECTION 2-3 COMMITTEES**

132 (a) *In General* - Subject to the provisions of this charter and such by-laws or other town meeting  
133 votes regarding committees as may be provided, the moderator shall appoint for fixed terms the  
134 members of such committees of the town meeting, special or standing, as may from time to time  
135 be established. In addition to such specific powers, duties and responsibilities as may be  
136 provided to a town meeting committee by the by-law or vote establishing it, each such  
137 committee, when acting within the scope of its authority, shall have a right to examine the  
138 pertinent records of any town agency and to consult, at reasonable times, with any town officer,  
139 employee or agent.

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141 (b) *Finance Committee - Composition, Term of Office* – There shall be a finance committee  
142 that shall consist of 7 members appointed for terms of 3 years each so arranged that the  
143 terms of as nearly an equal number of members as is possible shall expire each year. The  
144 members shall be appointed by a committee consisting of: 1 member of the board of  
145 selectmen chosen by it, 1 member of the school committee chosen by it and the town  
146 moderator.

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147 (c) *Powers and Duties* –

148 a. The finance committee shall have the primary responsibility to report to town  
149 meeting on the proposed budget of the town manager and all warrant articles  
150 having a fiscal impact on the town, as more particularly detailed in the charter,  
151 town bylaws, and the laws of the commonwealth; before preparing its final  
152 recommendations the finance committee shall hold one or more public hearings  
153 to permit public discussion on the subject matter of the articles contained in the  
154 warrant.

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155 b. To fulfill its primary responsibility, the finance committee shall be involved in  
156 the budget in cooperation with the town manager after it is submitted to the  
157 finance committee and filed with the town clerk.

158 c. The finance committee shall have all other powers conferred on finance  
159 committees by the laws of the commonwealth.

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161 **SECTION 2-4 TIME OF MEETING**

162 The annual town meeting shall be held during April or May, on a date fixed by by-law.

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164 **SECTION 2-5 SPECIAL MEETINGS**

165 Special town meetings may be held at the call of the board of selectmen at such times as such  
166 board may deem necessary, or desirable, in order to transact the legislative business of the town  
167 in an orderly manner. Special town meetings may also be held on the petition of 200 or more  
168 voters, in the manner provided by general law. The town clerk shall make forms for the calling  
169 of a special town meeting available to voters, upon request.

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178 **SECTION 2-6 WARRANTS**

179 Every town meeting shall be called by a warrant issued by the board of selectmen which shall  
180 state the time and place at which the meeting is to convene and, by separate articles, the subject  
181 matter to be acted upon. The publication of the warrant for every town meeting shall be in  
182 accordance with a town by-law governing such matters.

183

184 **SECTION 2-7 INITIATION OF WARRANT ARTICLES**

185 (a) *Initiation* - The board of selectmen shall receive at any time all petitions addressed to it and  
186 which request the submission of any matter to the town meeting and which are filed by any 10  
187 voters for the annual town meeting and any 100 voters for a special town meeting.

188

189 (b) *Referral* - Forthwith following receipt of any proposed warrant article the board of selectmen  
190 shall cause a copy of the proposal to be mailed to the residence of the chairperson of the finance  
191 committee, a copy to be posted on the town bulletin board and shall cause such other distribution  
192 to be made of each such proposal as may be required by law or by by-law.

193

194 (c) *Inclusion on Warrant* - The board of selectmen shall close the warrant for a regular town  
195 meeting on the date established by by-law for such closing preceding the date on which the town  
196 meeting is scheduled, by by-law, to convene. The board of selectmen shall not include in any  
197 such warrant the subject matter of any petition which has been received by it after said day nor  
198 shall any matter originating with it be included after said date.

199

200 Whenever a special town meeting is to be called, the board of selectmen shall give notice by  
201 publication in a local newspaper of its intention and shall notify all town agencies of its intention  
202 so to do. The board of selectmen shall include in the warrant for such special town meeting the  
203 subject matter of all petitions which are received at its office on or before 5 o'clock in the  
204 afternoon of the 5th business day following such publication which are in conformity with the  
205 provisions of section 2-7 (a) and which specifically request that the subject matter be included on  
206 the warrant for said special town meeting.

207

208 **SECTION 2-8 AVAILABILITY OF TOWN OFFICIALS AT TOWN MEETINGS**

209 Every town officer, the chairperson of each multiple member body, the head of each department  
210 and the head of each division within the said departments shall attend all sessions of the town  
211 meeting at which warrant articles pertinent to their agency are or may be acted upon for the

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212 purpose of providing the town meeting with information pertinent to all such matters as appear in  
213 the warrant for the town meeting.

214

215 In the event any town officer, chairperson of a multiple member body, department head or  
216 division head is to be absent due to illness or other reasonable cause, such person shall designate  
217 a deputy to attend to represent the office, multiple member body, department or division. If any  
218 person designated to attend the town meeting under this section is not a voter, such person shall,  
219 notwithstanding, have a right to address the meeting for the purpose of compliance with this  
220 section unless a majority of the town meeting shall vote to deny such person this privilege.

221

222 **SECTION 2-9 CLERK OF THE MEETING**

223 The town clerk shall serve as clerk of the town meeting, give notice of all adjourned sessions  
224 thereof, record its proceedings, and perform such additional duties in connection therewith as  
225 may be provided by general law, this charter, by-law or other town meeting vote.

226

227 **SECTION 2-10 RULES OF PROCEDURE**

228 The town meeting may, by by-law, establish and from time to time amend, revise or repeal rules  
229 to govern the conduct of all town meetings.

230

231 **SECTION 2-11 GENERAL POWERS AND DUTIES**

232 All powers of the town, except as otherwise provided by law or this charter, shall be vested in the  
233 town meeting. The town meeting shall provide for the exercise of all of the powers of the town  
234 and for the performance of all duties and obligations imposed upon the town for which no other  
235 provision is made in this charter, or by by-law.

236

237

238 **ARTICLE 3**  
239 **ELECTED OFFICIALS**

240

241 **SECTION 3-1 GENERAL PROVISIONS**

242 (a) *Elective Offices* - The town offices to be filled by ballot of the whole town shall be a board of  
243 selectmen, a school committee, a board of assessors, a board of cemetery commissioners, a board  
244 of health, a board of park commissioners, a planning board, a board of trustees of the public  
245 library, a board of commissioners of trust funds, a town moderator, a town clerk and a board of  
246 sewer commissioners. In addition, members of a housing authority and such members of regional  
247 authorities or districts as may be established by statute, interlocal agreement or otherwise shall  
248 also be elected at town elections.

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250 (b) *Eligibility* - Any voter shall be eligible to hold any elective town office; but no elected town  
251 official shall simultaneously hold any other elected town office, as defined in 3-1(a), above.

252

253 (c) *Election* - The regular elections for town office shall be held annually on such date as may  
254 from time to time be fixed in the by-laws of the town.

255

256 (d) *Compensation* - Elected town officers shall receive such compensation for their services as  
257 may be appropriated, annually, for such purpose.

258

259 (e) *Coordination* - Notwithstanding their election by the voters, the town officers named in this  
260 section shall be subject to the call of the board of selectmen, or of the town manager, at all  
261 reasonable times, for consultation, conference and discussion on any matter relating to their  
262 respective offices.

263

264 (f) *Filling of Vacancies*

265 (1) Town Officer - If there is a failure to elect, or if a vacancy occurs in the office of town clerk,  
266 the board of selectmen shall, in writing, appoint some suitable person to serve until the next town  
267 election.

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269 (2) Multiple-Member Body - If there is a failure to elect, or if a vacancy occurs in the  
270 membership of any elected multiple member body, including the school committee, unless the  
271 provisions of a will or trust provide for a different method, the remaining members of the  
272 multiple member body shall forthwith give notice of such vacancy to the board of selectmen and  
273 to the public in the manner provided in section 7-10. The board of selectmen, with the remaining  
274 members of such multiple member body shall, after 1 week's notice of the date on which the vote  
275 shall be taken, fill such vacancy, until the next town election, by a joint vote. The votes of a  
276 majority of the total number of persons entitled to vote shall be necessary for such election.

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278 (3) Board of Selectmen - If there is a failure to elect, or if a vacancy occurs in the membership of  
279 the board of selectmen, the remaining members of the board of selectmen may call a special

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280 election to fill such vacancy and shall call such special election upon the written petition of 200  
281 or more voters.

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287 (g) *Recall of Elected Officials*

288 (1) Who can be Recalled - Any holder of an elective office, as defined in section 3-1(a) with  
289 more than 6 months remaining of the term for which elected, may be recalled therefrom by the  
290 voters as herein provided.

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292 (2) Recall Petition - Any 100 voters may file with the town clerk an affidavit containing the  
293 name of the officer sought to be recalled and a statement of the grounds for recall. The town  
294 clerk shall thereupon deliver to said voters making the affidavit copies of petition blanks  
295 demanding such recall, printed forms of which shall be kept available. When issued the blanks  
296 shall contain the signature and official seal of the town clerk and may be completed by printing  
297 or by typewriting. They shall be dated, shall be addressed to the board of selectmen and shall  
298 contain the names of all persons to whom they are issued, the name of the person whose recall is  
299 sought, the grounds for recall as stated in the affidavit and shall demand the election of a  
300 successor in the said office. A copy of the petition shall be entered in a record book to be kept in  
301 the office of town clerk. The recall petition shall be returned and filed with the town clerk within  
302 25 days after the filing of the affidavit and shall have been signed by at least 20 per cent of the  
303 voters who shall add to their signatures the street and number, if any, of their residences.

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305 The town clerk shall, within 24 hours of receipt, submit the petition to the registrars of voters in  
306 the town, and the registrars shall forthwith certify thereon the number of signatures, which are  
307 names of voters.

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309 (3) Selectmen's Action on Receiving Petition - If the petition shall be found and certified by the  
310 registrars of voters to be sufficient they shall submit the same with their certificate to the  
311 selectmen without delay, and the selectmen shall, forthwith, give written notice of the receipt of

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317 the certificate to the officer sought to be recalled and shall, if the officer does not resign within 5  
318 days thereafter, order an election to be held on a date fixed by them not more than 60 days after  
319 the date of the registrars' certificate that a sufficient petition be filed; provided, however, that if  
320 any other town election is to occur within 90 days after the date of the certificate, the selectmen  
321 shall postpone the holding of the recall election to the date of such other election. If a vacancy  
322 occurs in said office after a recall election has been ordered, the election shall nevertheless  
323 proceed as provided in this section.

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324

325 (4) Nomination of Candidates - An officer whose recall is sought may not be a candidate to  
326 succeed to the office if the vote on the recall is in the affirmative. The nomination of other  
327 candidates, the publication of the warrant for the recall election, and the conduct of the same,  
328 shall all be in accordance with the provisions of law relating to elections, unless otherwise  
329 provided in this section.

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331 (5) Incumbent Holds Office Until Election - The incumbent shall continue to perform the duties  
332 of the office until the recall election. If not then recalled such person shall continue in office for  
333 the remainder of the unexpired term, subject to recall as before, except as provided in this  
334 section. If then recalled in the recall election such person shall be deemed removed upon the  
335 qualification of the candidate receiving the highest number of votes at the recall election who  
336 shall serve for the balance of the then unexpired term. If the successor fails to qualify within 5  
337 days after receiving notification of election, the incumbent shall thereupon be deemed removed  
338 and the office vacant.

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340 (6) Propositions on Ballot - Ballots used in a recall election shall submit the following  
341 propositions in the order indicated:

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342 For the recall of (name of officer)

343 Against the recall of (name of officer)

344

345 Immediately at the right of each proposition there shall be a square in which the voter, by making  
346 a cross mark (X), may vote for either of the said propositions. Under the proposition shall appear  
347 the word "candidates", the directions to voters required by section 42 of chapter 54 of the  
348 General Laws, and beneath this the names of candidates nominated as hereinbefore provided. If  
349 two-thirds of the votes cast upon the question of recall is in the affirmative, the candidate

354 receiving the highest number of votes shall be declared elected. If a majority of votes on the  
355 question is in the negative the ballots for candidates need not be counted.

356

357 (7) Repeat of Recall Petition - No recall petition shall be filed against an officer within 3 months  
358 after taking office, nor, in the case of an officer subjected to a recall election and not recalled  
359 thereby, until at least 3 months after the election at which the recall was submitted to the voters.

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361 (8) Appointment of Person Recalled- No person who has been recalled from an office, or who  
362 has resigned from office while recall proceedings were pending against them, shall be appointed  
363 to any town office within 2 years after such recall or such resignation.

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#### 365 SECTION 3-2 BOARD OF SELECTMEN

366 (a) Composition, Term of Office - There shall be a board of selectmen consisting of 5 members  
367 elected for terms of 3 years each, so arranged that the term of office of as nearly an equal number  
368 of members as is possible shall expire each year.

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370 (b) Powers and Duties in General - The executive powers of the town shall be vested in the  
371 board of selectmen which shall be deemed to be the chief executive office of the town. The board  
372 of selectmen shall have all of the executive powers it is possible for a board of selectmen to have  
373 and to exercise.

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375 The board of selectmen shall serve as the chief policy making agency of the town. The board of  
376 selectmen shall be responsible for the formulation and promulgation of policy directives and  
377 guidelines to be followed by all town agencies serving under it and, in conjunction with other  
378 elected multiple member bodies to develop and promulgate policy guidelines designed to bring  
379 the operation of all town agencies into harmony; provided however, nothing in this section shall  
380 be construed to authorize any member of the board of selectmen, nor a majority of such  
381 members, to become involved in the day-to-day administration of any town agency. It is the  
382 intention of this provision that the board of selectmen shall act only through the adoption of  
383 broad policy guidelines that are to be implemented by officers and employees serving under it.

384

385 (c) Licensing Authority - The board of selectmen shall be a licensing board for the town and shall  
386 have the power to issue licenses as otherwise authorized by law, to make all necessary rules and

392 regulations regarding the issuance of such licenses and to attach conditions and to impose  
393 restrictions on any such license as it may issue as it deems to be in the public interest, and to  
394 enforce all laws relating to all businesses for which it issues any license.

395

396 *(d) Appointments* - The board of selectmen shall appoint a town accountant, constables, the town  
397 counsel, the members of the board of appeals, the conservation commission, the historical  
398 commission, the personnel board, the registrars of voters and other election officers, the  
399 members of the council on aging, as provided by by-law, and a director of said council, and the  
400 members of other multiple member bodies the functions of which do not involve direct operating  
401 responsibilities, but, which are, primarily, policymaking or advisory in nature. Unless some  
402 other provision is expressly made by law, the board of selectmen shall also appoint other  
403 individuals who are to serve as representatives of the town to the governing or advisory bodies of  
404 area, regional or district authorities.

405

406 The appointment of a police chief, fire chief, DPW director, building inspector, inspector of  
407 wires or plumbing inspector by the town manager shall become effective on the 15th day  
408 following the day on which notice of the appointment is filed with the board of selectmen, unless  
409 the board of selectmen shall, within that period, by a majority of all its members, vote to reject  
410 such appointment, or has sooner voted to affirm it.

411

412 *(e) Investigations* - The board of selectmen may make investigations and may authorize the town  
413 manager to investigate the affairs of the town and the conduct of any town agency including any  
414 doubtful claims against the town. The report of the results of such investigation shall be placed  
415 on file in the office of the board of selectmen and a report summarizing the results of such  
416 investigation shall be printed in the next annual town report.

417

#### 418 SECTION 3-3 SCHOOL COMMITTEE

419 *(a) Composition, Term of Office* - There shall be a school committee consisting of 5 members  
420 elected for terms of 3 years each, so arranged that the term of office of as nearly an equal number  
421 of members as is possible shall expire each year.

422

423 *(b) Powers and Duties* - The school committee shall have all powers which are conferred on  
424 school committees by general laws and such additional powers and duties as may be provided by

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430 the charter, by by-law, or otherwise and not inconsistent with said grant of powers conferred by  
431 general laws. The powers and duties of the school committee shall include the following:

432

433 1) To elect a superintendent of the schools who shall be charged with the day-to-day  
434 administration of the school system, subject only to policy guidelines and directives adopted by  
435 the school committee;

436

437 2) To make all reasonable rules and regulations for the management of the public school  
438 system and for conducting the business of the school committee as may be deemed necessary or  
439 desirable;

440

441 3) To adopt and administer an annual operating budget for the school department, subject  
442 to appropriation by the town meeting.

443

444 The school committee shall have general charge and superintendence of all school buildings and  
445 grounds and shall furnish all school buildings with proper fixtures, furniture and equipment. The  
446 school committee shall provide ordinary maintenance of all school buildings and grounds;  
447 provided, however, the town meeting may, by by-law, provide for the establishment of a central  
448 municipal maintenance department which may include maintenance of school buildings and  
449 grounds. Whenever the school committee shall determine that additional classrooms are  
450 necessary to meet the educational needs of the community, at least 1 member of the school  
451 committee, or a designee of the school committee, shall serve on the agency, board or committee  
452 to which the planning or construction of such new, remodeled or renovated school building is  
453 delegated.

454

455 **SECTION 3-4 BOARD OF ASSESSORS**

456 (a) *Composition, Term of Office* - There shall be a board of assessors consisting of 3 members  
457 elected for terms of 3 years each, so arranged that the term of office of 1 member shall expire  
458 each year.

459

460 (b) *Powers and Duties* - The board of assessors shall annually make a fair cash valuation of all  
461 the estate, real and personal, subject to taxation within the town. It shall determine, based on  
462 such valuations and such sums as may be authorized to be expended by town meeting and

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467 consideration of other income and expenses of the town, annually, the rate of taxation to apply  
468 against property in the town. The board of assessors shall have such other powers and duties  
469 which are given to boards of assessors by general law, this charter, town by-law or other vote of  
470 the town meeting.

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471

472 (c) *Appointments* – The appointment of a principal assessor by the town manager shall become  
473 effective on the 15th day following the day on which notice of the appointment is filed with the  
474 board of assessors, unless the board of assessors shall, within that period, by a majority of all its  
475 members vote to reject such appointment, or has sooner voted to affirm it.

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476

#### 477 SECTION 3-5 CEMETERY COMMISSION

478 (a) *Composition, Term of Office* - There shall be a board of cemetery commissioners consisting  
479 of 3 members elected for terms of 3 years each, so arranged that the term of office of 1 member  
480 shall expire each year.

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482 (b) *Powers and Duties* - The board of cemetery commissioners shall have the responsibility to  
483 make regulations governing the care, superintendence and management of all public burial  
484 grounds in Lunenburg and to layout existing public burial grounds and may lot out in lots or  
485 other suitable subdivision with proper paths, lanes and ways appropriate for burial use any other  
486 land acquired by the town for burial purposes. The day-to-day care and maintenance of the  
487 cemeteries shall be under the supervision of the town manager.

488

#### 489 SECTION 3-6 BOARD OF HEALTH

490 (a) *Composition, Term of Office* – There shall be a board of health consisting of 5 members  
491 elected for terms of 3 years each so arranged that the terms of as nearly an equal number of  
492 members as is possible shall expire each year.

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494 (b) *Powers and Duties* - The board of health shall be responsible for the formulation and  
495 enforcement of local rules and regulations affecting the environment and the public health and  
496 for the enforcement within the town of all state statutes and the provisions of the so-called, code  
497 of Massachusetts regulations, affecting the public health. The board of health shall have all of the  
498 other powers, duties and responsibilities given to boards of health by general laws.

499

506 SECTION 3-7 BOARD OF LIBRARY TRUSTEES  
507 (a) *Composition, Term of Office* - There shall be a board of trustees of the public library  
508 consisting of 7 members, elected for terms of 3 years each, so arranged that the terms of as  
509 nearly an equal number of members as is possible shall expire each year.

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511 (b) *Powers and Duties* - The board of trustees of the public library shall have the custody and  
512 management of the library and reading rooms and of all property of the town devoted to library  
513 purposes. All funds raised or appropriated by the town for the support and maintenance of the  
514 library shall be expended under the direction of said board. All funds which the town may  
515 receive by gift, by bequest, or otherwise for library purposes, shall be administered under the  
516 direction of said board in accordance with the terms of such gift, bequest or otherwise.

517

518 The board of trustees of the public library shall, subject to appropriation, have the following  
519 specific powers and duties:

520

521 1) To appoint a director of library services who shall be charged with the day to day  
522 administration of the library system, subject to policy directives established by the trustees;

523

524 2) To appoint all other officers and employees connected with the library system and within the  
525 limits established by collective bargaining agreements, the town personnel by-law or otherwise,  
526 to fix their salaries, define their duties, make rules concerning their tenure of office and to  
527 discharge them; and

528

529 3) To make all reasonable rules and regulations for the operation and management of the library  
530 system and for the conduct of its own business and affairs as may be deemed necessary.

531

532 The board of trustees of the public library shall, in all matters of general municipal policy and  
533 procedure, be subject to policy directives designed to achieve uniformity and better  
534 administrative control as may from time to time be established by the town manager.  
535 Responsibility for the ordinary maintenance of library buildings and property may be transferred  
536 to a central municipal maintenance department by town meeting vote.

537



540 The board of trustees of the public library shall have all of the other powers and duties which are  
541 given to library trustees by general law, this charter, by-law or other vote of the town meeting.

542

543 SECTION 3-8 TOWN MODERATOR

544 (a) *Term of Office* - At each town election at which the term of office expires, or when a vacancy  
545 exists, a town moderator shall be elected for a term of 3 years.

546

547 (b) *Powers and Duties* - The town moderator shall be the presiding officer of the town meeting,  
548 shall regulate its proceedings, decide all questions of order and shall have such other powers and  
549 duties as may be provided for that office by general law, this charter, by-law and other vote of  
550 the town meeting.

551

552 (c) *Vacancy* - In the event of a vacancy in the office of town moderator, the deputy moderator, as  
553 designated in section 2-2, shall perform the powers and duties of the moderator until the election  
554 of a successor.

555

556 SECTION 3-9 BOARD OF PARK COMMISSIONERS

557 (a) *Composition, Term of Office* - There shall be a board of park commissioners consisting of 3  
558 members who shall be elected for terms of 3 years each, so arranged that the term of 1 member  
559 shall expire each year.

560

561 (b) *Powers and Duties* - The board of park commissioners may lay out and improve public parks,  
562 make rules for their use and government, appoint all necessary engineers, surveyors, clerks and  
563 other officers, including a police force to act in such parks, define their powers and duties, fix  
564 their compensation and do all acts necessary for the proper execution of their powers and duties.  
565 Subject to appropriation, the park commissioners may conduct park programs and recreation  
566 activities at locations other than the public parks. The day-to-day care and maintenance of the  
567 public parks shall be under the supervision of the town manager.

568

569 SECTION 3-10 PLANNING BOARD

570 (a) *Composition, Term of Office* - There shall be a planning board consisting of 5 members who  
571 shall be elected for terms of 5 years each, so arranged that the term of 1 member shall expire  
572 each year.

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582 (b) *Powers and Duties* - The planning board shall make careful studies of the resources,  
583 possibilities and needs of the town and shall make plans for the development of the town. The  
584 board shall make a comprehensive or master plan, setting forth in graphic and textual form  
585 policies to govern the future growth and development of the entire town. The board shall have  
586 the power to regulate the subdivision of land within the town by the adoption of rules and  
587 regulations governing such development and the administration of such rules and regulations.  
588 The planning board shall make recommendations to the town meeting on all matters affecting  
589 land use and development, including the zoning by-law of the town.

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590

591 (c) *Appointments* - The appointment of a planning director by the town manager shall become  
592 effective on the 15th day following the day on which notice of the appointment is filed with the  
593 planning board, unless the planning board shall, within that period, by a majority of all of its  
594 members vote to reject such appointment, or has sooner voted to affirm it.

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595

596 The planning board shall make an annual report giving information regarding the condition of  
597 the town and any plans or proposals for its development and estimates of their costs. The  
598 planning board shall have all of the other powers and duties planning boards are given by general  
599 law, this charter, by-law or other vote of the town meeting.

600

#### 601 SECTION 3-11 BOARD OF COMMISSIONERS OF TRUST FUNDS

602 (a) *Composition, Term of Office* - There shall be a board of commissioners of trust funds who  
603 shall be elected for terms of 3 years each, so arranged that the terms of 1 member shall expire  
604 each year.

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606 (b) *Powers and Duties* - The board of commissioners of trust funds shall have the management  
607 of all trust funds given or bequeathed to for the benefit of the town or the inhabitants thereof,  
608 unless the donor, in making the gift or bequest, shall make some other provision for the  
609 management of the fund.

610

611 The board of commissioners of trust funds shall, consistent with the terms of the trusts, manage  
612 and control the same, and distribute the income in accordance with the terms of the respective  
613 trusts. The board of commissioners of trust funds shall keep a record of its doings and, at the

618 close of each financial year, shall make a written report to town meeting showing the total  
619 amount of the funds, their investments, receipts and disbursements.

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621 SECTION 3-12 TOWN CLERK

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622 (a) *Term of Office* - There shall be a town clerk elected for a term of 3 years.

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624 (b) *Powers and Duties* - The town clerk shall be the keeper of vital statistics for the town; the  
625 custodian of the town seal; shall administer the oath of office to all persons, elected or appointed  
626 to any town office; shall issue such licenses and permits as are required by law to be issued by  
627 town clerks; supervise and manage the conduct of all elections and all other matters relating to  
628 elections; be the clerk of the town meeting, keep its records and, in the absence of the town  
629 moderator or deputy town moderator, preside pending the election of a temporary town  
630 moderator. The town clerk shall have such other powers and duties as are given to town clerks by  
631 general law, this charter, by-law or other vote of the town meeting.

632

633 SECTION 3-13 LUNENBURG HOUSING AUTHORITY

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634 (a) *Composition, Term of Office* - There shall be a housing authority consisting of 5 members, 4  
635 of these members shall be elected by the voters and 1 shall be appointed in the manner provided  
636 by general law. All of the members shall serve for 5-year terms, so arranged that the term of  
637 office of 1 member shall expire each year.

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639 (b) *Powers and Duties* - The housing authority shall make studies of the housing needs of the  
640 community and shall provide programs to make available housing for families of low income  
641 and for elderly persons of low income. The housing authority shall have such other powers and  
642 duties as are given to housing authorities by general laws.

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646 SECTION 3-14 BOARD OF SEWER COMMISSIONERS

655 (a) *Composition, Term of Office* - There shall be a board of sewer commissioners consisting of 5  
656 members who shall be elected to terms of 3 years each, so arranged that the terms of as nearly an  
657 equal number of members as possible shall expire each year.

658

659 (b) *Powers and Duties* - The board of sewer commissioners shall make careful studies of the  
660 resources, possibilities and needs of the town as they relate to the availability of sanitary sewers  
661 and shall make plans for the installation of a system of sanitary sewers and for the maintenance  
662 of a sanitary sewer system. The board of sewer commissioners shall develop a comprehensive or  
663 master plan for a town-wide system of sanitary sewers, setting forth, in graphic and textual form,  
664 policies to govern the future growth and development of the entire town. The board of sewer  
665 commissioners shall, in conjunction with other land use bodies, assist in developing a long-range  
666 strategic plan for guiding town growth and development. The powers and authority of the board  
667 of sewer commissioners shall include oversight of the sewer enterprise fund, setting rates and  
668 charges for the use of the sanitary sewer system, ratification responsibility for the sewer business  
669 manager and providing advice to the board of selectmen relating to intergovernmental  
670 agreements concerning sanitary sewers. The day-to-day operation, care and maintenance of the  
671 sanitary sewers shall be under the supervision of the town manager.

672

673 (c) *Appointments* - The appointment of a sewer business manager by the town manager shall  
674 become effective on the 15th day following the day on which notice of the appointment is filed  
675 with the board of sewer commissioners, unless the board of sewer commissioners shall, within  
676 that period and by a majority of all of its members, vote to reject such appointment or has sooner  
677 voted to affirm it.

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#### ARTICLE 4 TOWN MANAGER

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##### SECTION 4-1 APPOINTMENT; QUALIFICATION; TERM

There shall be a town manager who shall be responsible for the coordination and direction of all administrative and financial affairs of the town.

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689 The town manager shall be appointed by the board of selectmen from a list submitted to it by a  
690 town manager screening committee which shall consist of 1 member of the board of selectmen,  
691 designated by it, 1 member of the school committee, designated by it, 1 member of the planning  
692 board, designated by it, 1 member of the finance committee designated by it and the town  
693 moderator, who shall call all meetings of the town manager screening committee and shall serve  
694 as its chair. Whenever the position of town manager shall be vacant, the town manager screening  
695 committee shall be convened and shall solicit candidates, review applications, interview and rate  
696 candidates and submit a list of qualified candidates to the board of selectmen who shall appoint a  
697 town manager only from the list so prepared and submitted to it.

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699 The town manager shall be a person especially fitted by education, training and previous  
700 experience in public administration and finance to perform the duties of the office. The board of  
701 selectmen shall appoint the town manager to serve for an indefinite term and shall fix the  
702 compensation for such person, annually, within the amount appropriated by the town. The town  
703 manager shall be appointed solely on the basis of demonstrated executive and administrative  
704 qualifications with special emphasis on financial matters. The board of selectmen may enter into  
705 a contract of employment with the town manager over wages, hours, benefits and other  
706 conditions of employment but no such contract shall be deemed to prevent the removal of the  
707 town manager by a majority vote of the full board of selectmen.

708

709 The town manager need not be a resident of the town or of the commonwealth. The town  
710 manager shall not have served in an elective or appointive office in the town government for at  
711 least 12 months prior to appointment. The town may, from time to time, establish by by-law,  
712 such additional qualifications as seem necessary and appropriate.

713

714 The town manager shall devote full time to the office and shall not hold any other public office,  
715 elective or appointive, nor engage in any other business, occupation or profession during such  
716 service, unless such action is approved in advance and in writing by the board of selectmen.

717

718 The board of selectmen shall provide for an annual review of the job performance of the town  
719 manager, which shall, at least in summary form, be a public record. Any vacancy in the office of  
720 the town manager shall be filled as soon as possible by the town manager screening committee  
721 and the board of selectmen, and meanwhile the board of selectmen shall appoint a qualified town  
722 administrative officer or employee as a temporary town manager to perform the duties of the  
723 office. Such temporary appointment may not exceed 3 months but one additional renewal may be

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729 voted by the board of selectmen not to exceed a second 3 months. Compensation for a temporary  
730 town manager shall be set by the board of selectmen.

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732 SECTION 4-2 POWERS AND DUTIES

733 The town manager shall be the chief financial officer for all town agencies. The town manager  
734 shall be the chief administrative officer of the town, directly responsible to the board of  
735 selectmen for the administration of all town affairs for which the office of town manager is given  
736 responsibility by or under this charter. The powers and duties of the town manager shall include,  
737 but are not intended to be limited to, the following:

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739 (a) To supervise, direct and be responsible for the efficient administration of all functions and  
740 activities for which the office of town manager is given authority, responsibility or control by  
741 this charter, by by-law, by town meeting vote, by vote of the board of selectmen, by vote of the  
742 school committee, or otherwise.

743

744 (b) To structure, supervise, direct and be responsible for the efficient coordination of all of the  
745 fiscal and financial business of the town, including the school department. In the conduct of this  
746 activity, the town manager shall be subject to the advice of the school committee in addition to  
747 the advice of the board of selectmen.

748

749 (c) To recommend to the board of selectmen candidates to be appointed by the board of  
750 selectmen to the offices of the town treasurer and town collector, who may be the same  
751 individual; to appoint candidates to be ratified by the board of selectmen to the offices of police  
752 chief, fire chief, DPW director, building inspector, inspector of wires, and the plumbing  
753 inspector; to appoint candidates to be ratified by the board of assessors to the office of  
754 professional assessor; to appoint candidates to be ratified by the planning board to the office of  
755 planning director; and to appoint candidates to be ratified by the board of sewer commissioners  
756 for the office of sewer business manager. The provisions of this section shall apply to the  
757 appointment of any person under any other title who will perform, as the result of any  
758 reorganization of the administrative structure of the town, substantially similar duties as the  
759 officers named in this section.

760

761 (d) To appoint, and in appropriate circumstances to remove, subject to the provisions of the civil  
762 service law and of any collective bargaining agreements as may be applicable, all department

764 heads, officers, members of boards and commissions and employees for whom no other method  
765 of selection is provided by this charter. Such appointments shall become effective on the 15th  
766 day following the day on which notice of the appointment is filed with the board of selectmen,  
767 unless the board of selectmen shall, within that period by a majority of all of its members, vote to  
768 reject such appointment, or has sooner voted to affirm it. Copies of the notices of all such  
769 proposed appointments shall be posted on the town bulletin board when submitted to the board  
770 of selectmen.

771

772 (e) To be, in conjunction with a personnel board established by by-law, entrusted with the  
773 administration of a town personnel system, including, but not limited to personnel policies and  
774 practices, rules and regulations, including provisions for an annual employee performance  
775 review, personnel by-law and collective bargaining agreements entered into by the town. The  
776 town manager shall also prepare and keep current a plan establishing the personnel staffing  
777 requirements for each town agency, unless some other provision is made by law.

778

779 (f) To attend all regular and special meetings of the board of selectmen, unless unavailable for  
780 reasonable cause, and shall have a voice, but no vote, in all of its proceedings.

781

782 (g) To assure that full and complete records of the financial and administrative activities of the  
783 town are kept and to render as often as may be required by the board of selectmen, but not less  
784 than once in each year, a full report of all town administrative and financial operations during the  
785 period reported on, which report shall be made available to the public. At the first session of the  
786 annual town meeting, the town manager shall give an oral report summarizing the financial  
787 condition of the town and recommending strategies to be followed during said meeting to  
788 enhance the fiscal condition of the town.

789

790 (h) To keep the board of selectmen fully advised as to the needs of the town and shall  
791 recommend to the board of selectmen and to other elected town officers and agencies for  
792 adoption such measures requiring action by them or by the town meeting as the town manager  
793 may deem necessary or expedient.

794

795 (i) To have full jurisdiction over the rental and use of all town facilities and property except  
796 property under the control of the school committee, the library trustees and the conservation  
797 commission. The town manager shall be responsible for the maintenance and repair of all town

798 buildings and facilities placed under his control by this charter, by-law, vote of the town or  
799 otherwise.

800

801 (j) To prepare and present, in the manner provided in article 6, an annual operating budget for the  
802 town and a proposed capital outlay program for the 5 fiscal years next ensuing.

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804 (k) To assure that a full and complete inventory of all property of the town, both real and  
805 personal, is kept, including all property under the jurisdiction of the school committee.

806

807 (l) To negotiate all contracts involving any subject within the jurisdiction of the office of town  
808 manager, including contracts with town employees, except employees of the school department,  
809 involving wages, hours and other terms and conditions of employment.

810

811 (m) To be the chief procurement officer of the town, responsible for procuring all services,  
812 supplies, material and equipment for all departments and activities of the town in the manner  
813 provided in chapter 30B of the General Laws and shall have all the powers given to purchasing  
814 agents by section 103 of chapter 41 of the General Laws. The town manager shall examine, or  
815 cause to be examined, the quantity, quality and condition of all supplies, material and equipment  
816 delivered to or received by any town agency. The town manager shall be responsible for the  
817 disposal of all supplies, material and equipment declared surplus by any town agency.

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819 (n) To see that all of the provisions of the General Laws, this charter, the town by-laws and other  
820 votes of the town meeting which require enforcement by the town manager, or officers subject to  
821 the direction and supervision of the town manager, are faithfully executed, performed or  
822 otherwise carried out.

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824 (o) To inquire, at any time, into the conduct of office or performance of duties of any officer or  
825 employee, department, board, commission or other town agency.

826

827 (p) To attend all sessions of all town meetings and answer all questions raised by voters which  
828 relate to warrant articles and to matters over which the town manager exercises any supervision.



837

838 (q) To reorganize, consolidate or abolish, in the manner provided in aricle 5, town agencies  
839 serving under the supervision of the town manager, in whole or in part, provide for new town  
840 agencies and provide for a reassignment of powers, duties and responsibilities among such  
841 agencies so established or existing.

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842

843 (r) To coordinate the activities of all town agencies serving under the office of town manager and  
844 the office of board of selectmen with those under the control of other officers and multiple  
845 member bodies elected directly by the voters. For this purpose, the town manager shall have  
846 authority to require the persons so elected, or their representatives, to meet with the town  
847 manager, at reasonable times, for the purpose of effecting coordination and cooperation among  
848 all agencies of the town.

849

850 (s) To prepare and maintain long-term financial forecasts, including revenue expectations, future  
851 implications of operating budget program decisions and capital budget programs related to  
852 infrastructure maintenance, improvement and expansion.

853

854 (t) To perform any other duties as are required to be performed by the town manager by town by-  
855 laws, the votes of the town meeting, or the votes of the board of selectmen, the appointing  
856 authority, or otherwise.

857

858 **SECTION 4-3 DELEGATION OF AUTHORITY**

859 The town manager may authorize any subordinate officer or employee to exercise any power or  
860 perform any function or duty which is assigned to the office of town manager; provided,  
861 however, that all acts performed under any such delegation shall at all times be deemed to be the  
862 acts of the town manager.

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864 **SECTION 4-4 ACTING TOWN MANAGER**

865 (a) *Temporary Absence* - By letter filed with the town clerk, the town manager shall designate a  
866 qualified town administrative officer or employee to exercise the powers and perform the duties  
867 of town manager during a temporary absence. During a temporary absence the appointing  
868 authority may not revoke such designation until at least 10 working days have elapsed,  
869 whereupon the board of selectmen may appoint another qualified town administrative officer or  
870 employee to serve until the town manager shall return.

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873

874 (b) *Unplanned Temporary Absence* - In the event of an emergency absence, the appointing  
875 authority may appoint a qualified town administrative officer or employee to serve until the town  
876 manager shall return or the office is declared vacant.

877

878 (c) *Vacancy* - Any vacancy in the office of town manager shall be filled as soon as possible by  
879 the appointing authority, but, pending such regular appointment, the appointing authority shall  
880 appoint a qualified town administrative officer or employee to perform the duties of the office on  
881 an acting basis.

882

883 SECTION 4-5 REMOVAL AND SUSPENSION

884 The appointing authority may, by a majority vote of the full board, terminate and remove, or  
885 suspend, the town manager from office in accordance with the following procedure.

886

887 (a) The appointing authority shall adopt a preliminary resolution of removal by the affirmative  
888 vote of a majority of all its members which must state the reason or reasons for removal. This  
889 preliminary resolution may suspend the town manager for a period not to exceed 45 days. A  
890 copy of the resolution shall be delivered to the town manager forthwith.

891

892 (b) Within 5 days after receipt of the preliminary resolution the town manager may request a  
893 public hearing by filing a written request for such hearing with the town moderator filed with the  
894 town clerk. This hearing shall be held at a meeting of the appointing authority called by the town  
895 moderator not later than 30 days after the request is filed nor earlier than 20 days. The town  
896 manager may file a written statement responding to the reasons for removal stated in the  
897 resolution of removal provided the same is received by the town moderator at least 48 weekday  
898 hours in advance of the public hearing.

899

900 (c) The appointing authority may adopt a final resolution of removal, which may be made  
901 effective immediately, by affirmative vote of a majority of all of its members at any time after 10  
902 days following the date of delivery of a copy of the preliminary resolution to the town manager,  
903 if the town manager has not requested a public hearing, or, any time after the public hearing if  
904 the town manager has requested one. The town manager shall continue to receive a salary until  
905 the effective date of a final resolution of removal. The action of the appointing authority in  
906 suspending or removing the town manager shall be final, it being the intention of this provision

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915 to vest all authority and fix all responsibility for such suspension or removal solely in the  
916 appointing authority.

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918 ARTICLE 5  
919 ADMINISTRATIVE ORGANIZATION  
920 ▲

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921 SECTION 5-1 ORGANIZATION OF TOWN AGENCIES ▲

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922 The town manager and the town meeting shall from time to time provide for the grouping of  
923 town agencies into convenient units for the delivery of municipal services. The organization of  
924 the town into operating agencies for the provision of services and the administration of the  
925 government may be accomplished through either of the methods provided in this article.

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927 (a) *By-Laws* - Subject only to express prohibitions in a general law or the provisions of this  
928 charter, the town meeting may, by by-law reorganize, consolidate, create, merge, divide or  
929 abolish any town agency, in whole or in part; establish such new town agencies as it deems  
930 necessary or advisable, determine the manner of selection, the term of office and prescribe the  
931 functions of all such entities; provided, however, that no function assigned by this charter to a  
932 particular town agency may be discontinued, or unless this charter specifically so provides,  
933 assigned to any other town agency.

934

935 (b) *Administrative Plan* - The town manager may from time to time, after consultation with the  
936 board of selectmen, prepare and submit to the town meeting plans of organization or  
937 reorganization which establish operating divisions for the orderly, efficient or convenient  
938 conduct of the business of the town.

939

940 Whenever the town manager proposes such a plan, the board of selectmen shall hold one or more  
941 public hearings on the proposal giving notice by publication in a local newspaper, which notice  
942 shall describe the scope of the proposal and the time and place at which the hearing will be held,  
943 not less than 7 nor more than 14 days following said publication.

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945 An organization or reorganization plan shall become effective at the expiration of 60 days  
946 following the date the proposal is submitted to the town meeting unless the town meeting shall,  
947 by a majority vote, within such period vote to disapprove the plan. The town meeting may vote  
948 only to approve or to disapprove the plan and may not vote to amend or to alter it.

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953 The town manager may, through the administrative plan, and subject only to express prohibitions  
954 in a general law or this charter, reorganize, consolidate or abolish any town agency, in whole or  
955 in part; establish such new town agencies as is deemed necessary to the same extent as is  
956 provided in section 5-1(a), above, for by-laws; and for such purpose may transfer the duties and  
957 powers and, so far as is consistent with the use for which the funds were voted by the town,  
958 transfer the appropriation of one town agency to another; provided, however, that no function  
959 assigned by this charter to a particular town agency may be discontinued or assigned to any other  
960 town agency unless this charter specifically so provides.

961

962 Every reorganization plan submitted by the town manager pursuant to this provision shall  
963 contain a proposed by-law which contains, in detail, such amendments, revisions, repeals or  
964 otherwise of existing ordinances as may be necessary to accomplish the desired reorganization.  
965 Such reorganization plan and proposed ordinance shall be accompanied by a message of the  
966 town manager which explains the benefits expected to ensue

967

968 **SECTION 5-2 MERIT PRINCIPLE**

969 All appointments and promotions of town officers and employees shall be made solely on the  
970 basis of merit and fitness demonstrated by examination or other evidence of competence and  
971 suitability.  
972

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973 **SECTION 5-3 DEPARTMENT OF FINANCE AND FINANCIAL SERVICES**

974 (a) *Establishment* - There shall be a department of finance and financial services headed by a  
975 director of municipal finance who may be the town manager established by article 4, which shall  
976 be responsible for the management of the fiscal and financial affairs of the town and for the  
977 supervision and coordination of all activities of all town agencies in relation to any fiscal or  
978 financial matter. In the case where the director of municipal finance is not the town manager, the  
979 appointment of a director of municipal finance by the town manager shall become effective on  
980 the 15th day following the day on which notice of the appointment is filed with the board of  
981 selectmen, unless the board of selectmen shall, within that period, by a majority of all of its  
982 members vote to reject such appointment or has sooner voted to affirm it.

988 (1) Coordination of all financial services and activities of the town;

989

990 (2) Maintenance of all accounting records and other financial statements for all offices and  
991 agencies of the town;

992

993 (3) Payment of all financial obligations on behalf of the town;

994

995 (4) Receipt of all funds due to the town from any source;

996

997 (5) Maintenance of all property valuation records and systems;

998

999 (6) Rendering advice, assistance and guidance to all town offices and agencies in any matter  
1000 relating to financial or fiscal affairs;

1001

1002 (7) Monitoring throughout the fiscal year of the expenditure of funds by town offices and  
1003 agencies, including the periodic reporting on the status of all accounts with recommendations  
1004 concerning fiscal and financial policies to be implemented by such offices and agencies.

1005

1006 (8) Coordination of all financial transactions associated with the procurement of all goods,  
1007 supplies and materials by town offices and agencies with the central procurement procedures  
1008 established pursuant to chapter 30B of the General Laws.

1009

1010 (c) *Director of Finance and Financial Services*

1011 The department of financial services shall be headed by the director of municipal finance who  
1012 shall serve as the chief financial officer.

1013

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1016 The treasurer and collector shall have such powers and duties as may be vested in those offices  
1017 expressly by general or special law, but shall otherwise report to and be under the direction and  
1018 supervision of the director of municipal finance.

1019

1020 The powers and duties of said director of municipal finance shall include the following:

1021

1022 (1) Coordination, administration, and supervision of all financial services and activities;

1023

1024 (2) Assistance in all matters related to municipal financial affairs;

1025

1026 (3) Implementation and maintenance of uniform systems, controls, and procedures for all  
1027 financial activities in all departments, including the school department, and including but not  
1028 limited to: maintenance of all financial and accounting data and records;

1029

1030 (4) Implementation and maintenance of uniform budget guidelines and procedures;

1031

1032 (5) Assistance in development and preparation of all department budgets and spending plans;

1033

1034 (6) Review of all contracts and obligations; monitoring of the expenditure of all funds, including  
1035 periodic reporting to appropriate agencies of the status of accounts; establishment of a spending  
1036 plan for each department; and the allotment of funds on a periodic basis.

1037

1038 In all cases where the duty is not expressly charged to any other department or office, it shall be  
1039 the duty of the chief financial officer to promote, secure, and preserve the financial interests of  
1040 the town.

1041

1042 The chief financial officer shall from time to time promulgate rules and regulations governing  
1043 any subject within the jurisdiction of the department of finance as are necessary to implement the  
1044 provisions of this section.

1045

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1046 (d) *Operating Divisions* - The department of finance shall consist of the following divisions:

1047

1048 (1) *Division of Collections*

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1049 The division of collections, headed by a town collector, shall collect all accounts due to the town  
1050 from any source.

1051

1052 (2) *Division of Treasury Management*

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1053 The division of treasury management, headed by a town treasurer, shall receive and take charge  
1054 of all money belonging to the town.

1055

1056

1057 (3) *Division of Accounting*

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1058 The division of accounting, headed by a town accountant appointed by the board of selectmen,  
1059 shall be responsible for the following:

1060

1061 (a) the maintenance of accounts for all financial transactions of the town;

1062 (b) the pre-audit of all purchase orders, receipts and disbursements;

1063 (c) the preparation of payrolls;

1064 (d) the preparation of warrants for the payment of all bills of the town;

1065 (e) the preparation of periodic reports on the status of departmental receipts and  
1066 expenditures; and

1067 (f) the maintenance of central grant and contract files;

1068

1069 (4) *Division of Assessing*

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1070 The assessing division shall be under the charge of a board of assessors elected by the voters as  
1071 provided in article 3. The division of assessing shall be responsible for the following:

1072

- 1073 (a) establish the valuation of all real and personal property;
- 1074 (b) maintain records substantiating all assessments made;
- 1075 (c) prepare and issue commitments for the collection of property taxes and motor
- 1076 vehicle excise taxes by the office of collections;
- 1077 (d) acting on abatement and exemption applications filed with it and representing the
- 1078 town before the ~~appellate tax~~ board.
- 1079

1080 (5) *Division of Procurement*

1081 The division of procurement shall be responsible for purchasing all supplies, material and

1082 equipment for all offices and agencies of the town to the extent provided in section ~~103~~ of

1083 chapter ~~41~~ of the ~~General Laws~~, and for the purposes of chapter ~~30B~~ of the ~~General Laws~~, the

1084 town purchasing agent shall be the chief procurement officer of the town.

1085

1086 ~~SECTION 5-4~~ DEPARTMENT OF FIRE AND EMERGENCY SERVICES

1087 There shall be a department of fire and emergency services which shall be headed by a fire chief,

1088 who shall have full and absolute authority in the administration of the department and who shall

1089 make all rules and regulations for its operation. The fire chief shall be responsive to the town

1090 manager in coordinating the operation of the fire and emergency services department with the

1091 operation of all other town agencies. The fire chief appointed under this section shall have the

1092 powers and duties of a fire chief appointed pursuant to section ~~42~~ of chapter ~~48~~ of the General

1093 Laws.

1094 ARTICLE 6

1095 FINANCES AND FISCAL PROCEDURES

1096

1097 ~~SECTION 6-1~~ FISCAL YEAR

1098 The fiscal year of the town shall begin on the first day of July and shall end on the last day of

1099 June, unless another period is required by general law.

1100

1101 ~~SECTION 6-2~~ SCHOOL COMMITTEE BUDGET

1102 (a) *Public Hearing* - At least 7 days before the meeting at which the school committee is to vote

1103 on its final budget request, the school committee shall cause to be published in a local newspaper

1104 a general summary of its proposed budget. The summary shall specifically indicate any major

1105 variations from the current budget, and the reasons for such changes. It shall further indicate the

1106 times and places at which complete copies of its proposed budget are available for examination

1107 by the public, and the date, time and place when a public hearing will be held by the school

1108 committee on the proposed budget. The school committee shall take its final vote on its proposed

1109 budget not sooner than at its next regularly scheduled meeting following the public hearing.

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1126 (b) *Submission to Town Manager* - The budget as adopted by the school committee shall be  
1127 submitted to the town manager in sufficient time to enable the town manager to consider the  
1128 effect of the school department's requested appropriation upon the total town operating budget  
1129 which is required to be submitted under this article.

1130

1131 **SECTION 6-3 SUBMISSION OF BUDGET AND BUDGET MESSAGE**  
1132 Within the time fixed by by-law before the annual town meeting is to convene, the town manager  
1133 shall submit to the finance committee a proposed operating budget for the ensuing fiscal year  
1134 with an accompanying budget message and supporting documents. The town manager shall  
1135 simultaneously provide for the publication in a local newspaper of a general summary of the  
1136 proposed budget. The summary shall specifically indicate any major variations from the current  
1137 operating budget and the reason for such changes. The notice shall further indicate the times and  
1138 places at which complete copies of the proposed operating budget are available for examination  
1139 by the public.

1140

1141 The budget message of the town manager shall include specifically, projection of the fiscal and  
1142 financial needs of the town for at least the next <sup>5</sup> fiscal years, or such longer period as may be  
1143 deemed appropriate, both as to income and expenses, as well as any substantial financial  
1144 expenditures contemplated by any department, committee, or board during such period,  
1145 including budget programs related to infrastructure maintenance, improvement and expansion.  
1146 The message shall also include a forecast of any fiscal trends which the town manager believes  
1147 are likely to have an affect on the town's revenues or expenses.

1148

1149 **SECTION 6-4 BUDGET MESSAGE**  
1150 The budget message of the town manager shall explain the budget for all town agencies both in  
1151 fiscal terms and in terms of work programs. It shall outline proposed financial policies of the  
1152 town for the ensuing fiscal year, describe important features of the budget, indicate any major  
1153 variations from the current year in financial policies, expenditures and revenues together with the  
1154 reasons for such changes, summarize the town's debt position and include other material as the  
1155 town manager deems desirable, or the selectmen may reasonably require.  
1156

1157 **SECTION 6-5 THE BUDGET**  
1158 The proposed operating budget shall provide a complete financial plan for all town funds and  
1159 activities for the ensuing fiscal year. Except as may otherwise be required by general law, or this  
1160 charter, the budget shall be in the form which the town manager deems desirable or the board of  
1161 selectmen may require. In the presentation of the budget, the town manager shall utilize modern

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1163 concepts of fiscal presentation so as to furnish maximum information and the best financial  
1164 control. The proposed budget shall show in detail all estimated income from the proposed  
1165 property tax levy and other sources and all proposed expenditures, including debt service, for the  
1166 following year. The proposed budget shall be arranged to show the actual and estimated income  
1167 and expenditures for the previous, current and ensuing fiscal years and shall indicate in separate  
1168 sections:

1169

1170 (a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by  
1171 town agency and position in terms of work programs, and the method of financing such  
1172 expenditures;  
1173

1174 (b) Proposed capital expenditures during the ensuing fiscal year, detailed by town agency,  
1175 and the proposed method of financing each such capital expenditure; and  
1176

1177 (c) Estimated surplus revenue and free cash at the end of the current fiscal year, including  
1178 estimated balances in any special accounts established for specific purposes.  
1179

1180 **SECTION 6-6 ACTION ON THE BUDGET**

1181 (a) *Public Hearing* - Forthwith upon its receipt of the proposed operating budget the finance  
1182 committee shall provide for the publication in a local newspaper of a notice stating the time and  
1183 place, not less than 7 nor more than 14 days following such publication, at which it will hold a  
1184 public hearing on the proposed operating budget as submitted.

1185

1186 (b) *Review* - The finance committee shall consider, in open public meetings, the detailed  
1187 expenditures proposed for each town agency and may confer with representatives of each such  
1188 agency in connection with its review and consideration. The finance committee may require the  
1189 town manager, or any other town agency, to furnish it with such additional information as it may  
1190 deem necessary to assist it in its review and consideration of the proposed operating budget.

1191

1192 (c) *Action by Town Meeting* - The finance committee shall file a report containing its  
1193 recommendations for actions on the proposed operating budget, which report shall be available at  
1194 least 7 days before the date on which the town meeting acts on the proposed budget. Copies of  
1195 the report of the finance committee shall be available for distribution to any person requesting  
1196 the same at the office of the town clerk, the office of the board of selectmen, the offices of the  
1197 school administration and at the public library of the town of Lunenburg. When the budget  
1198 proposed by the town manager is before the town meeting for action, it shall first be subject to

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1199 amendments, if any, proposed by the finance committee before any other amendments shall be  
1200 proposed.

1201

1202 **SECTION 6-7 CAPITAL IMPROVEMENTS PROGRAM**

1203 The town manager shall submit a capital improvement program to the board of selectmen and the  
1204 finance committee at least 150 days before the start of each fiscal year. It shall be based on  
1205 material prepared by the capital planning committee established by by-law, including:

1206

- 1207 (a) a clear concise general summary of its contents;  
1208 (b) a list of all capital improvements proposed to be undertaken during the next ensuing  
1209 5 years, with supporting information as to the needs of each capital improvement;  
1210 (c) cost estimates, methods of financing and recommended time schedules for each  
1211 improvement; and  
1212 (d) the estimated annual cost of operating and maintaining each facility and piece of  
1213 major equipment involved. This information is to be annually revised by the town  
1214 manager with regard to the capital improvements still pending or in the process of  
1215 being acquired, improved or constructed.  
1216

1217 **ARTICLE 7**  
1218 **GENERAL PROVISIONS**

1219

1220 **SECTION 7-1 ELECTIONS**

1221 The articles in the warrant for any town meeting insofar as they relate to the election of town  
1222 officers, or to the determination by the voters of any question to be submitted for such decision  
1223 by written ballots, shall be acted upon and determined by the voters in their respective precincts.  
1224 The regular town election shall be taken on official ballots without party or political designation  
1225 of any kind on the date fixed by by-law. The order in which names of candidates appear on the  
1226 official ballot at any town election shall be determined by a drawing by lot conducted by the  
1227 town clerk. Each candidate shall be given the opportunity to be present, in person, or to be  
1228 represented by a designee at the drawing. Each candidate for re-election shall have printed on the  
1229 official ballot, in addition to such candidates name and address, the words "candidate for re-  
1230 election".

1231 **SECTION 7-2 CHARTER CHANGES**

1232 This charter may be replaced, revised or amended in accordance with any procedures made  
1233 available under the state constitution and any statutes enacted to implement the said  
1234 constitutional provisions.

1235 **SECTION 7-3 SEVERABILITY**

1236 The provisions of this charter are severable. If any provision of this charter is held invalid the  
1237 other provisions of this charter shall not be affected thereby. If the application of this charter or

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1239 any of its provisions to any person or circumstance is held invalid, the application of this charter  
1240 and its provisions to other persons and circumstances shall not be affected thereby.

1241 **SECTION 7-4 SPECIFIC PROVISIONS TO PREVAIL**

1242 To the extent that any specific provision of this charter shall conflict with any provision  
1243 expressed in general terms, the specific provisions shall prevail.

1244 **SECTION 7-5 NUMBER AND GENDER**

1245 Words importing the singular number may extend and be applied to several persons or things;  
1246 words importing the plural number may include the singular; words importing the feminine  
1247 gender shall include the masculine gender; words importing the masculine gender shall include  
1248 the feminine gender.

1249 **SECTION 7-6 RULES AND REGULATIONS**

1250 A copy of all rules and regulations adopted by any town agency shall be filed in the office of the  
1251 town clerk before any such rule or regulation shall become effective, and copies shall be made  
1252 available for review by any person who requests such information. No rule or regulation adopted  
1253 by any town agency shall become effective until 10 days following the date it has been so filed in  
1254 the office of the town clerk. Attested copies shall also be kept available in the public library of  
1255 the town of Lunenburg.

1256 **SECTION 7-7 PERIODIC REVIEW, CHARTER AND BY-LAWS**

1257 *(a) Charter Review* - At least once in every 10 years a special committee to consist of 9 members  
1258 shall be established for the purpose of reviewing this charter and to make a report, with  
1259 recommendations, to the town meeting concerning any proposed amendments which said  
1260 committee may determine to be necessary or desirable. The committee shall consist of 9  
1261 members who shall be chosen as follows: the board of selectmen, the finance committee and the  
1262 school committee shall each designate 2 persons, the planning board shall designate 1 person,  
1263 and 2 persons shall be appointed by the town moderator. Persons appointed by the said agencies  
1264 may, but need not, be members of the agency by which they are designated. The committee shall  
1265 meet to organize forthwith following the final adjournment of the annual town meeting.

1266

1267 *(b) By-Law Review* - The board of selectmen shall at 5 year intervals, in each year ending in 5, or  
1268 in 0, cause to be prepared by a special committee appointed for that purpose, a proposed revision  
1269 or recodification of all by-laws of the town which shall be presented to the town meeting for  
1270 reenactment at the annual town meeting in the year following the year in which the said  
1271 committee is appointed. The by-law review committee shall consist of the town clerk who shall  
1272 serve by virtue of office, 2 persons appointed by the town moderator and 2 persons appointed by  
1273 the board of selectmen. The said committee in its final, or in an interim report, shall include  
1274 recommendations for such substantive change in town by-laws as it deems necessary or  
1275 advisable. The review of town by-laws shall be in conjunction with the town counsel, or, by  
1276 special counsel retained for that purpose. Subsequent to enactment by the town meeting, copies

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1277 of the revised by-laws shall be forwarded to the attorney general of the commonwealth for  
1278 approval, and they shall be otherwise published, all as required by general laws. Copies of the  
1279 revised by-laws shall be made available for distribution to the public at a charge not to exceed  
1280 the actual cost, per copy, of reproduction.

1281 **SECTION 7-8 PROCEDURES GOVERNING MULTIPLE MEMBER BODIES.**

1282 (a) *Meetings* - All multiple member bodies shall meet regularly at such times and places within  
1283 the town as they may by their own rules prescribe. Except in cases of emergency, special  
1284 meetings of any multiple member body shall be held on the call of the respective chairperson or  
1285 by one-third of the members thereof by suitable notice delivered to the residence or place of  
1286 business of each member at least 48 hours in advance of the time set. A copy of the said notice  
1287 shall also be posted on the town bulletin board in the manner provided by law. Special meetings  
1288 of any multiple member body shall also be called within one week after the date of the filing  
1289 with the town clerk of a petition signed by at least 50 voters and which states the purpose or  
1290 purposes for which the meeting is to be called. Except as authorized by law, all meetings of all  
1291 multiple member bodies shall be open and public. All meetings shall be held in places to which  
1292 members of the public have a convenient right of access.

1293

1294 (b) *Agendas* - At least 24 hours before any meeting of a multiple member body is to be held, an  
1295 agenda containing all items which are scheduled to come before the multiple member body at the  
1296 meeting shall be posted on the town bulletin board. No action taken on a matter not included in  
1297 the posted agenda shall be effective unless the multiple member body first adopts, by a separate  
1298 vote, a resolution declaring that an emergency exists and that the particular matter must be acted  
1299 upon at that meeting for the immediate preservation of the peace, health, safety or convenience  
1300 of the town.

1301

1302 (c) *Rules and Journal* - Each multiple member body shall determine its own rules and order of  
1303 business unless otherwise provided by this charter or by law and shall provide for keeping a  
1304 journal of its proceedings. These rules and journals shall be public records, and certified copies  
1305 shall be kept available in the office of the town clerk.

1306

1307 (d) *Voting* - Except on procedural matters all votes of all multiple member bodies shall be taken  
1308 by a call of the roll and the vote of each member shall be recorded in the journal, provided,  
1309 however, that if the vote is unanimous only that fact need be recorded.

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1311 (e) *Quorum* - A majority of the members of the multiple member body then in office shall  
1312 constitute a quorum, but a smaller number may adjourn from time to time and may compel the  
1313 attendance of absent members in the manner and subject to the penalties prescribed by the rules  
1314 of the multiple member body. No other action of the multiple member body shall be valid or  
1315 binding unless ratified by the affirmative vote of the majority of the full multiple member body.

1316

1317 (f) *Filling of Vacancies* - Whenever a vacancy shall occur in the membership of an appointed  
1318 multiple member body, the remaining members shall forthwith give written notice of such  
1319 vacancy to its appointing authority. If, at the expiration of 30 days following the delivery of such  
1320 notice to the appointing authority, said officer or multiple member body has not appointed some  
1321 person to fill the vacancy, the remaining members of the multiple member body shall fill such  
1322 vacancy for the remainder of any unexpired term by majority vote of the remaining members.

1323

1324 (g) *Composition of Multiple Member Bodies* - All multiple member bodies when established  
1325 shall be composed of an odd number of members. Whenever the terms of office of a multiple  
1326 member body are for more than 1 year such terms of office shall be so arranged that as nearly an  
1327 equal number of terms as is possible will expire each year.

1328 **SECTION 7-9 REMOVALS AND SUSPENSIONS**

1329 Any appointed town officer, member of a multiple member body or employee of the town, not  
1330 subject to the provisions of the state civil service law, or covered by the terms of a collective  
1331 bargaining agreement which provides a different method, and whether appointed for a fixed or  
1332 an indefinite term, may, for good cause, be suspended or removed from office, without  
1333 compensation, by the officer or multiple member body which appoints such officers, members of  
1334 multiple member bodies, or employees. The term cause shall include, but not be limited to the  
1335 following: incapacity other than temporary illness, inefficiency, insubordination and conduct  
1336 unbecoming the office. Any appointed officer, member of a multiple member body or employee  
1337 of the town may be suspended from office by the officer or multiple member body which  
1338 appoints such officers, members of multiple member bodies, or employees, if such action is  
1339 deemed by said appointing authority to be necessary to protect the interests of the town.  
1340 However, no suspension shall be for more than 15 days. Suspension may be conterminous with  
1341 removal and shall not interfere with the rights of the officer or employee under the removal  
1342 procedure given below. The appointing authority when removing any such officer, member of a  
1343 multiple member body or employee of the town shall act in accordance with the following  
1344 procedure:

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1346 (a) A written notice of the intent to remove and a statement of the cause or causes therefor shall  
1347 be delivered in hand, or by certified mail, return receipt requested, to the last known address of  
1348 the person sought to be removed.

1349

1350 (b) Within 5 days following delivery of such notice the officer, member of a multiple member  
1351 body or employee of the town may request a public hearing at which such person may be  
1352 represented by counsel, shall be entitled to present evidence, call witnesses and to question any  
1353 witness appearing at the hearing.

1354

1355 (c) Between 1 and 10 days after the public hearing is adjourned, or if the officer, member of a  
1356 multiple member body or employee of the town fails to request a public hearing between 6 and  
1357 15 days after delivery of the notice of intent to remove, the appointing authority shall take final  
1358 action, either removing the officer, member of a multiple member body or employee of the town  
1359 or notifying such person that the notice is rescinded. Failure of the appointing authority to take  
1360 any action within the time periods as stated in this section shall be deemed to be a rescission of  
1361 the original notice and the officer, member of a multiple member body or employee shall,  
1362 forthwith, be reinstated. Nothing in this section shall be construed as granting a right to such a  
1363 hearing when a person who has been appointed for a fixed term is not reappointed when a fixed  
1364 term expires.

1365 **SECTION 7-10 NOTICE OF VACANCIES**

1366 Whenever a vacancy occurs in any town office, position or employment, or whenever by reason  
1367 of a pending retirement or expiration of a fixed term a vacancy can be anticipated, the appointing  
1368 authority shall forthwith cause public notice of such vacancy to be posted on the town bulletin  
1369 board for not less than 10 days. Such notice shall contain a description of the duties of the office,  
1370 position or employment and a listing of the necessary or desirable qualifications to fill the office,  
1371 position or employment. No permanent appointment to fill such office, position or employment  
1372 shall be effective until 14 days following the date such notice was posted to permit reasonable  
1373 consideration of all applicants. This section shall not apply to positions covered by the civil  
1374 service law and rules or if in conflict with the provisions of any collective bargaining agreement.

1375

1376 **ARTICLE 8**  
1377 **TRANSITIONAL PROVISIONS**

1378 **SECTION 8-1 CONTINUATION OF EXISTING LAWS**

1379 All general laws, special laws, town by-laws, votes, rules and regulations of or pertaining to the  
1380 town which are in force when the charter takes effect and which are not specifically or by  
1381 implication repealed directly or indirectly hereby, shall continue in full force and effect until  
1382 amended or rescinded by due course of law or until they expire by their own limitation.

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1392 SECTION 8-2 CONTINUATION OF GOVERNMENT

1393 All town agencies shall continue to perform their duties until reappointed, reelected, or until  
1394 successors to their respective positions are duly appointed or elected, or their duties have been  
1395 transferred and assumed by another town agency in accordance with the provisions of this  
1396 charter.

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1397 SECTION 8-3 CONTINUATION OF ADMINISTRATIVE PERSONNEL

1398 Any person holding a town office, or a position in the administrative service of the town, or any  
1399 person holding full time employment under the town, shall retain such office, or position, or  
1400 employment, and shall continue to perform the duties of such office, position or employment  
1401 until provision shall have been made for the performance of those duties by another person or  
1402 agency; provided, however, no person in the permanent full time service of the town shall forfeit  
1403 their pay grade, or time in the service of the town as a result of the adoption of this charter. All  
1404 such persons shall be retained in a capacity as similar to the capacity in which they were serving  
1405 at the time this charter is adopted as is practicable and any reduction in the personnel needs of  
1406 the town shall be accomplished through a policy of attrition, unless specific provision is  
1407 otherwise made in this article.

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1408 SECTION 8-4 TRANSFER OF RECORDS AND PROPERTY

1409 All records, property and equipment whatsoever of any office, department, or agency or part  
1410 thereof, the powers and duties of which are assigned in whole or in part to another office or  
1411 agency shall be transferred forthwith to the office, department or agency to which such powers  
1412 and duties are assigned.

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1413 SECTION 8-5 TIME OF TAKING EFFECT

1414 The provisions of section 8-5 were provided in the report of the charter commission to make  
1415 smooth the transition from the government that had been in effect prior to the form of  
1416 government provided by the new charter. The provisions contained in section 8-5 were not  
1417 intended to be of permanent force and effect and have expired by their own limitation. To the  
1418 extent that there is any doubt as to the continuing effect of any of the provisions of section 8-5 as  
1419 contained in the report of the charter commission, all of provisions of the said section are hereby  
1420 repealed.

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1422 SECTION 2. This act shall take effect upon its passage.

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